

III. REMARKS

Claims 1-36 are pending in this application. By this amendment, claim 32 has been amended. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-36 are rejected under 35 U.S.C. §112 as allegedly failing to comply with the written description requirement and for allegedly being indefinite. Claims 1-36 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Bansal (U.S. Patent Pub. No. 2003/0191823), hereafter “Bansal.”

A. REJECTION OF CLAIM 1-36 UNDER 35 U.S.C. §112

The Office has asserted that claims 1-36 are indefinite for failing to comply with the written description requirement. Specifically, the Office objects to the new limitation of claims 1, 8, 13, 23 and 27 reciting that “the native environment being an environment of a primary operating system of the client device.” However, Applicant asserts this is not new matter and is supported by the specification. In paragraph 0003 of the current invention, during the description of the background, the native application may “include word processing programs, spreadsheets,

etc.,” all of which may run on a primary operating system. Further, in both paragraph 0003 and 0020, Applicant supports the native environment being an environment of a primary operating system further by stating that the environment may be WIN-32, an environment of the Windows Operating System. It is stated specifically in paragraph 0020 that “the OSGi bundle 16 will be deployed in native environment 24 (e.g., a WIN-32 environment) and then native application 18 will be removed.” It is understood in the art that a native environment may imply that of the operating system, and this is further supported by Applicant’s specification.

The Office has asserted that claims 1-36 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 1, 8, 13, 23 and 27 are rejected for claiming that the native environment is an environment of a primary operating system. However, Applicant has explained the support for this above, and thus believes that these claims are no longer indefinite. The Office further objects to the term “the server.” Applicant has amended claim 32 to replace the term with “a server” and cannot find any other instance of the term. Accordingly, Applicant requests that the Office withdraw the rejections.

The Office has also objected to claims 1, 4-11, 13, 15, 17, 20, 23, 25, 27, 29, 31 and 34 and to claims 5 and 11 for including the trademark names OSGi and WIN32, respectively. Applicant respectfully continues to submit that, contrary to the Office’s assertion, the inclusion of the objected to terms is appropriate. These terms are not trademarks representing a source of a general product, but rather actually specify an environment with unique and specific properties in which the invention is intended to function. To this extent, it is unclear to Applicant how the limitations of the claimed invention can be claimed without using these terms, as the invention is

drawn, *inter alia*, to operations within, to, from and/or that include these specific operating environments. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

B. REJECTION OF CLAIMS 1-34 UNDER 35 U.S.C. §102(e)

With regard to the 35 U.S.C. §102(e) rejection over Bansal, Applicant asserts that Bansal does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 8, 13, 23 and 27, Applicant submits that Bansal fails to teach deploying the OSGi bundle directly within a native environment of the client device, the native environment being an environment of a primary operating system of the client device and separate from the OSGi environment. In support of its rejection, the Office cites a passage of Bansal that describes an active framework compliant service that “...is packaged in a bundle...so that it can be deployed in the hosting environment *offered by the present invention.*” Para. 0041, *emphasis added*. To this extent, the hosting environment of Bansal is not the primary operating system of the host machine, but rather a non-natural environment that is specifically designed for the active framework. This ‘hosting’ environment is further described as being “...a hosting environment for hosting the services, which can be installed, activated, configured, upgraded, downgraded, deactivated, uninstalled, etc. within this hosting environment.”

Further, Bansal continues to separate the hosting environment from the native environment in Para. 0043, wherein the “Active Framework provides a hosting environment in that it performs life-cycle operation on Active Framework compliant services. Even though services **essentially** run in the JVM (or on the underlying operating system), they run in the

context of Active Framework.” (emphasis added) Applicant asserts that it is clear to one skilled in the art that the Active Framework host environment is distinct from a native environment, and services of Bansal are deployed to the host environment rather than directly to a native environment.

In contrast, the claimed invention includes “...deploying the OSGi bundle directly within a native environment of the client device, the native environment being an environment of a primary operating system of the client device and separate from the OSGi environment.” Claim

1. As such, the native environment in which the OSGi bundle of the claimed invention is deployed is not a non-natural environment that is specifically designed for application, as is the hosting environment in Bansal, but rather is the primary operating system of the client device separate from the OSGi environment. Thus, the native environment as included in the claimed invention is neither taught nor suggested by the hosting environment in Bansal. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not

acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/

Hunter E. Webb
Reg. No.: 54,593
(ND)

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Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)